S.B. Civil Misc. Appeal No.562/2005

Kalyan Mal Somani and others.
vs.
Rajasthan Housing Board and others.

Date : 22.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. U Ghani a/w Mr. JP Bhardwaj, for the appellants.

Mr. Manish Shishodia) for the respondents.
Mr. BS Charan)
Mr. Dilip Kawadia)
Mr. RS Mankad)

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Heard learned counsel for the parties.

The trial court refused the injunction by detailed order dated 13.10.2004. It appears that the business of the non-petitioners is going on at least since 2002 if the contention of the non-petitioners is accepted. Therefore, it would be appropriate that the suit itself be decided expeditiously by the trial court and at this stage, this Court is not inclined to interfere in the order passed by the trial court while exercising power under Order 39 Rules 1 and 2 CPC.

Without entering into the merits of the case, this appeal is disposed of with a direction to the trial court to decide the suit expeditiously as early as possible preferably within a period of one year from the date of

receipt of the copy of this order. Copy of order may be supplied by the appellant to the trial court.

(PRAKASH TATIA), J.

S.Phophaliya